

FILED

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MAY 17 2022

IN THE UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

CV 22 2925

KAW

PLAINTIFF

X

Bradley C. Burchfield, and others similarly situated

v. Case No. _____

Alibaba Group Holding Limited, Alibaba.com, Inc.,

DEFENDANTS

(Jack Yun Ma, Joseph C. Tsai, Jonathan Zhaoxi Lu,

Maggie Wei Wu, David Zhang), Zichang New Materials

(Shandong) Co., Ltd. (Erica Wang, Sweetie Yin); Casey Zhao;

Gera Vid So; Shaanxi Bloom Tech Co., Ltd. (Alex Vivi); Timothy J.

Shea-Director of the DEA

COMPLAINT

Comes now the Plaintiff *in forma pauperis*, Bradley C. Burchfield pro se, and for a CIVIL RICO COMPLAINT under 18 U.S.C Sec. 1961-1968 with the civil remedy pursuant to 18 U.S.C Sec. 1964(c) as the Plaintiff herein, the owner of Burchfield Sales & Consulting, LLC., and Burchfield's Welding & Fabrication, LLC., was injured in both business and property by the Defendants in kind. In addition, the plaintiff also pleads with the court for relief available under 21 U.S.C Sec. 1901(a), 201(a) of the Terrorism Risk Insurance Act (TRIA), the Anti-Terrorism Clarification Act of 2018, and to have the Defendants listed with the Office of Foreign Asset Control as a Foreign Narcotics Kingpin under the Foreign Narcotics Kingpin Designation Act of 18 U.S.C. Sec. 2331, 2333-34 Section 805(b). See *Stanseil v. Revolutionary Armed Forces of Columbia* (M.D. Fla. 2010; D. D.C. 2019)

WHEREAS the Defendants have established an "enterprise" established to sell methamphetamine under its chemical CAS# 102-97-6 on Alibaba.com "but for" the name isopropylbenzylamine is used and marketed as a "rust inhibitor".

WHEREAS the Plaintiff, as owner of a welding and metal fabrication business purchased the products for use as a "rust inhibitor" to be used before and after welding, and as a "acrylic nail resin" for his sales and consulting business both of which were misrepresentations to the use of the product and subsequently did not work as advertised.

WHEREAS the Plaintiff used the liquid form as a paint prep and metal prep on his business owned welder which rusted the electrical components making it inoperable. After applying it to the underside of his truck to prevent the frame from rusting the volatile chemicals caused the transfer case to weaken

which resulted in a hole in the metal subsequently ruining the transmission and the welder as well as any metal it was used on as advertised.

WHEREAS the Plaintiff, sustained not only loss to his business and property from the transaction as the product turned out to be a diluent of methamphetamine which is illegal in the state of Arkansas subsequently it could not be sold.

WHEREAS the Plaintiff was found in possession of ½ gram and charged with possession in the state of Arkansas and is facing a 6-12 year prison sentence hence he was harmed by the transaction with irreparable injury to his business, property, and person. 18 U.S.C. Sec. 1961(a) for dealing in controlled substances punishable by federal or state law by prison time of a year.

WHEREAS the Plaintiff filed 40+ 1983 forms and served one on the defendants, see 6:20-cv-06150, 4:21-cv-00339. The Plaintiff served the defendants, the sellers on the site issued a statement the site would no longer be selling the products after April 2021.

WHEREAS in December 2021 the Plaintiff received a threatening message from Gera Vid So referring to a third-party seller, Casey Zhao, on Alibaba.com which is a predicate act of 18 U.S.C. Sec. 1512 and 1513 establishing a "pattern of racketeering activity".

WHEREAS this same "pattern" has been exhibited in infringement cases in the southern district of New York, as well as several securities fraud cases, See Moonbug Entm't v All Night Revelry Store (S.D. NY 2022) which is a reason the "corporate veil should be pierced" as the liabilities of one company have been shifted to another front company/s in the same pattern to avoid responsibility.

WHEREAS under 18 U.S.C. Sec. 1963(k) the testimony of any witness relating to the forfeiture of property by mitigation or remission petition may be ordered to be taken by deposition under Fed. R. Crim. P. 15. Under 18 U.S.C. Sec. 1963(4) a hearing must be held 30 days after filing.

WHEREAS the predicate acts have injured the Plaintiff, and others similarly situated, under 18 U.S.C. Sec. 1962 and 1963 the Plaintiffs move to have the court consider this a class action and to certify the class with proper appointment of counsel.

WHEREAS this Honorable Court has jurisdiction and venue over the defendants under 18 U.S.C. Sec. 1963(j) to enter orders without regard to the locating of any property or security.

WHEREAS the court also has jurisdiction under 18 U.S.C. Sec. 1965(a-d) and immunity of witnesses can be found under 18 U.S.C. Sec 6001-6005. See U.S. v Keltner (8th Cir. 1998); U.S. v Wilson (E.D. Ark. 1998), and any person injured by a defendant is due damages threefold the loss.

WHEREAS the Plaintiff entered into contracts with the Alibaba and third-party sellers which would make a contractor, sub-contractor, employee, or as in this case one-kilogram package was addressed from the Consignor, David Zhang the CEO of Weifang, China, to the Plaintiff as the Consignee this could also protect the Plaintiff as a "whistleblower" under SEC regulations.

WHEREAS the Alibaba Defendants principal place of address is 400 South El Camino Real, San Mateo, CA 94402; this court has jurisdiction to serve Alibaba.com at that address.

WHEREAS Erica Wang (Zichang Materials) ships the products sold on the website from P.O. Box 6368, Rosemead, CA 91770 constitutes mail and wire fraud.

WHEREAS Timothy J. Shea has allowed misrepresentation of isopropylbenzylamine as a federally legal substance on the DEA website, similar to big tobacco companies advertising light cigarettes as being safer, "but for" this "proximate cause" the plaintiff would not have purchased the product which is not listed on any schedule but has the same chemical formula as methamphetamine C10H15N and does give a positive field test for methamphetamine and "Alibaba Defendants" advertise a 20 Metric ton per month supply rate on the site.

WHEREAS bolt carriers for M16s and silencers are also sold on the site the "Alibaba Defendants" appear to be Communist China Military Company (CMCC) which are banned on the International Emergency Economic Powers Act from conducting business.

THEREFORE the Plaintiff seeks equitable relief in the form of permanent injunctions on the servers and the site to combat the terrorist acts being committed under TRIA and the Foreign Narcotics Kingpin Designation Act with appropriate writs of attachment issued for \$40,500.00 in compensatory damages to business property, attorney fees, and \$500,000,000,000.00 in United States currency or real property for deprivation of rights, duress, physical pain and suffering, pre-judgment and post-judgment interest for punitive damages.

THEREFORE the Plaintiff wishes to be placed in the United States Marshals witness protection program, with other general victim assistance as he has no transportation to appear for any hearing.

THEREFORE the Plaintiff wishes to enter into a joint prosecution and sharing agreement to assist the United States Attorney in the prosecution of the defendants.

I declare the foregoing to be true and correct under penalty of perjury.

5/3/22

Respectfully Submitted,

Bradley C. Burchfield

Bradley C. Burchfield

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